

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
W. R. GRACE & CO., <u>et al.</u> , <sup>1</sup>	)	Case No. 01-01139 (JKF)
	)	
Debtors.	)	Jointly Administered

**NOTICE OF AGENDA OF MATTERS  
SCHEDULED FOR HEARING ON JANUARY 29, 2002 AT 1:00 P.M.**

**CONTINUED MATTERS**

1. *Complaint for Declaratory Judgment and Turnover of Non-Estate Property by MCNIC Pipeline & Processing Company against W.R. Grace & Co.-Conn. (Docket No. 1003)*

**Related Documents:** None

**Response Deadline:** December 13, 2001 (extended for the Debtors to February 18, 2002)

**Responses Received:** None as of the date of this Agenda Notice

**Status:** This matter is continued by agreement of the parties to the next omnibus hearing on February 25, 2002 at 8:00 a.m.

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<sup>1</sup> The Debtors consist of the following 62 entities: W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co.-Conn., A-1 Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Inc., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgrace, Inc., Coalgrace II, Inc., Creative Food 'N Fun Company, Darex Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewey and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., G C Limited Partners I, Inc. (f/k/a Grace Cocoa Limited Partners I, Inc.), G C Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc., GPC Thomasville Corp., Gloucester New Communities Company, Inc., Grace A-B Inc., Grace A-B II Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe, Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation, W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Square Corporation, Homco International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc., Grace JVH, Inc., Asbestos Management, Inc.), Monolith Enterprises, Incorporated, Monroe Street, Inc., MRA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedco, Inc. (f/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Cuming, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cross Country Staffing), Hayden-Gulch West Coal Company, H-G Coal Company.

2. *Motion of Caterpillar Financial Corporation to Compel Debtors to Comply with 11 U.S.C. §365(d)(10) and for Allowance and Payment of Administrative Expenses, or, in the Alternative, for Adequate Protection (Docket No. 1015)*

**Related Documents:**

- a. [Proposed] Order Compelling Debtors to Comply with 11 U.S.C. § 365(d)(10) and for Allowance and Payment of Administrative Expenses, or, in the Alternative, for Adequate Protection (Docket No. 1015)

**Response Deadline:** October 29, 2001 at 4:00 p.m. (extended to February 18, 2002 at 4:00 p.m. for the Debtors' and the Official Committee of Unsecured Creditors by agreement of the parties)

**Responses Received:** None as of the date of this Agenda Notice.

**Status:** This matter is continued by agreement of the parties to the next omnibus hearing on February 25, 2002 at 8:00 a.m.

3. *Motion for Entry of an Order Pursuant to Section 365(a) of the Bankruptcy Code Authorizing the Debtors to Assume, Sell and Assign Leases for Real Property (Docket No. 817)*

**Related Documents:**

- a. [Proposed] Order Pursuant to Section 365(a) of the Bankruptcy Code Authorizing the Debtors to Assume and Assign Leases for Real Property (Docket No. 817)
- b. Complaint of American Real Estate Holdings, Limited Partnership against W. R. Grace & Co., *et al.* (Adv. Pro. No. 01-07993, Docket No. 1) (*See also* Adv. Pro. No. 01-07993, Docket No. 8 – Order Staying Adversary Proceeding)

**Response Deadline:** September 13, 2001 at 4:00 p.m.

**Responses Received:**

- a. Objection of American Real Estate Holdings, Limited Partnership to Debtors' Motion for Entry of an Order Pursuant to Sections 363 and 365 of the Bankruptcy Code Authorizing the Debtors to Assume, Sell and Assign a Prime Lease and the Accompanying Subleases (Docket No. 924)

**Status:** This matter is continued by agreement of the parties to the next omnibus hearing on February 25, 2002 at 8:00 a.m.

**UNCONTESTED MATTERS**

4. *Motion for Order Fixing Time By Which Debtor Must Assume or Reject Unexpired Leases; or, In the Alternative, for Relief from the §362 Automatic Stay (Docket No. 1005)*

**Related Documents:**

- a. [Proposed] Order Vacating the Stay Pursuant to 11 U.S.C. Section 362 (Docket No. 1005)

**Response Deadline:** October 30, 2001 at 4:00 p.m. (extended to January 18, 2002 at 4:00 p.m. for the Debtors' and the Official Committee of Unsecured Creditors by agreement of the parties)

**Responses Received:** None as of the date of this Agenda Notice.

**Status:** The Debtors anticipate presenting a stipulation in resolution of this matter to the Court at the hearing.

5. *Application of the Debtors for the Entry of an Order Authorizing the Retention and Employment of Steptoe & Johnson LLP as Special Tax Counsel (Docket No. 1072)*

**Related Documents:**

- a. Certificate of No Objection re: Docket No. 1072 (Docket No. 1330)
- b. Supplemental Affidavit of Anne E. Moran in Support of the Application of the Debtors to Employ Steptoe & Johnson LLP as Special Tax Counsel to the Debtors (Docket No. 1493)

**Response Deadline:** November 21, 2001 at 4:00 p.m.

**Responses Received:** None as of the date of this Agenda Notice.

**Status:** No objections to Application have been filed or received by the Debtors. Accordingly, the Debtors filed a Certificate of No Objection. Further, Steptoe & Johnson has filed a supplemental affidavit to address questions raised by the Court at the January 3, 2002 hearing on the Application.

6. *Motion of Debtors for an Order Pursuant to Fed. R. Bankr. P. 9006(b) Further Extending the Period Within Which the Debtors May Remove Actions Pursuant to 28 U.S.C. § 1452 and Fed. R. Bankr. P. 9027 (Docket No. 1425)*

**Related Documents:**

- a. [Proposed] Order Pursuant to Fed. R. Bankr. P. 9006(b) Further Extending the Period Within Which the Debtors May Remove Actions Pursuant to 28 U.S.C. § 1452 and Fed. R. Bankr. P. 9027 (Docket No. 1425)
- b. Certificate of No Objection re: Docket No. 1425 (Docket No. 1527)

**Response Deadline:** January 14, 2002 at 4:00 p.m.

**Responses Received:** None as of the date of this Agenda Notice.

**Status:** No objections to the Motion have been filed or received by the Debtors. Accordingly, the Debtors filed a Certificate of No Objection and seek the entry of an order approving the Motion in the form attached to the Motion.

**STATUS/SCHEDULING CONFERENCES**

All of the following pleadings in this section were directed withdrawn by the District Court.

7. *Debtors' Motion for Entry of Case Management Order, Establishment of Bar Date, Approval of the Proof of Claim Forms and Approval of Notice Program (Docket No. 536)*

**Related Documents:**

- a. [Proposed] Order (i) Approving Case Management Schedule (ii) Establishing Bar Date (iii) Approving the Proof of Claim Forms and (iv) Approving Notice Program (Docket No. 536)
- b. Memorandum in Support of Debtors' Motion for Entry of Case Management Order, Establishment of Bar Date, Approval of the Proof of Claim Forms and Approval of Notice Program (Docket No. 537)
- c. Exhibits to Motion for Entry of Case Management Order, Establishment of Bar Date, Approval of the Proof of Claim Forms and Approval of Notice Program and Memorandum in Support of Debtors' Motion (Docket No. 545)

**Response Deadline:** July 13, 2001 at 4:00 p.m.

**Responses Received:**

- a. United States' Response to Debtors' Motion for Entry of Case Management Order, Motion to Establish Bar Date, Motion to Approve Claim Forms, and Motion to Approve Notice Program (Docket No. 620)
- b. Medical Monitoring Claimants' Objection to Debtors' Motion for Entry of Case Management Order, Establishment of Bar Date, Approval of Proof of Claim Forms and Approval of Notice Program (Docket No. 536); Joinder in the Motions for Continuance and Motion for Continuance; and Request for Consideration and Briefing Regarding Class Treatment (Docket No. 621)
- c. Zonolite Plaintiffs' Objection to Debtors' Motion for Entry of Case Management Order, Establishment of Bar Date, Approval of the Proof of Claim Forms and Approval of the Notice Program, and Motion to Extend Time to Object or Respond to Such Motions; Joinder in Motion for Continuance by Official Committee of Asbestos Property Damage Claimants; Independent Motion to Continue the Hearing on Debtors' Motion; and Request for Consideration and Briefing Regarding Class Treatment (Docket No. 623)
- d. Response and Memorandum of the Official Committee of Asbestos Property Damage Claimants in Opposition to Debtors' Motion for Entry of Case Management Order, Establishment of a Bar Date, Approval of the Proof of Claim Forms and Approval of the Notice Program (Docket No. 900)
- e. Response to Motion Opposition of the Official Committee of Asbestos Personal Injury Claimants to Debtors' Motion for Entry of Case Management Order, Establishment of a Bar Date, Approval of the Proof of Claim Forms and Approval of Notice Program (Docket No. 902)
- f. Response to Motion For Entry of Case Management Order, Establishment of a Bar Date, Approval of the Proof of Claim Forms and Approval of the Notice Program, Filed by Official Committee of Unsecured Creditors (Docket No. 904)
- g. Response to Motion In Support of Debtors' Motion for Entry of Case Management Order, Establishment of Bar Date, Approval of Proof of Claim Forms and Approval of Notice Programs Filed by Official Committee of Equity Holders (Docket No. 1033)
- h. Debtors' Consolidated Reply in Support of Their Motion for Entry of Case Management Order, Establishment of a Bar Date, Approval of the Claim Forms and Approval of the Notice Program (Docket No. 1106)
  - (i) Debtors' Motion for Leave to File Omnibus Reply to Various Objections to the Debtors' Motion for Entry of Case Management Order, Establishment of a Bar Date, Approval of the Proof of Claim Forms and Approval of the Notice Program (Docket No. 1106)

- (ii) Order Granting Debtors' Motion for Leave to File Omnibus Reply to Various Objections to the Debtors' Motion for Entry of Case Management Order, Establishment of a Bar Date, Approval of the Proof of Claim Forms and Approval of the Notice Program (Docket No. 1504)

**Status:** This matter is set for a status conference and awaiting information as to the status of the Motion, whether it will be heard and by whom.

8. *Motion to Dismiss Case Pursuant to 11 U.S.C. Section 1112(b) Filed by Zonolite Attic Insulation Class Plaintiffs (Docket No. 1140)*

**Related Documents:**

- a. Notice of Motion to Dismiss Case Pursuant to 11 U.S.C. Section 1112(b) Filed by Zonolite Attic Insulation Class Plaintiffs (Docket No. 1140)
- b. Certificate of Service re: Docket No. 1140
- c. Memorandum of Law in Support of Zonolite Claimants' Motion to Dismiss the Bankruptcy Case (Docket No. 1141)

**Response Deadline:** Undetermined

**Responses Received:** None as of the date of this Agenda Letter

**Status:** This matter is set for a status conference and awaiting information as to the status of the Motion, whether it will be heard and by whom.

9. *Complaint by Class Action Plaintiffs Medical Monitoring, for Injunction and Equitable Relief by Andy Dorrington, Susan B Grenfell, Gayla R Cody, Marvin Sather, Mark Macintosh, Chris Ladera against W. R. Grace & Co., W. R. Grace & Co.-Conn, W. R. Grace & Co. a/k/a Grace, Sealed Air Corporation (Adv. Pro. No. 01-08839, Docket No. 1)*

**Related Documents:**

- a. Motion by Medical Monitoring Plaintiffs for Class Certification (Adv. Pro. No. 01-08839, Docket No. 2)
  - (i) Memorandum of Law in Support of Medical Monitoring Plaintiffs' Motion for Class Certification (Adv. Pro. No. 01-08839, Docket No. 2)

**Response Deadline:** TBD – No Summons has been issued in connection with the complaint, and, thus, no response date has been set

**Responses Received:** None as of the date of this Agenda Letter

**Status:** This matter is set for a status conference and awaiting information as to the status of the Motion, whether it will be heard and by whom.

10. *Complaint by Jackie Lewis, Bonnie Lewis, Thomas Lewis, Pamela Tellesch, Wayne Tellesch, Bridget Loehner, Dennis Loehner, Jane Zajac against W. R. Grace & Co., W. R. Grace & Co.-Conn., W. R. Grace & Co. a/k/a Grace, Sealed Air Corporation, National Medical Care, Inc., Fresenius A.G., Fresenius U.S.A. Inc., Fresenius National Medical Care, Inc. a/k/a Fresenius Medical Care Holdings, Inc. (Adv. Pro. No. 01-08810, Docket No. 1)*

**Related Documents:**

- a. Motion for Class Certification by Zonolite Attic Insulation Claimants (Adv. Pro. No. 01-8810, Docket No 2)
- (i) Memorandum of Law in Support of Zonolite Plaintiffs' Motion for Class Certification (Adv. Pro. No. 01-8810, Docket No 2)

**Response Deadline:** December 17, 2001

**Responses Received:**

- a. Motion of the Debtors for an Order Dismissing the Class Action Adversary Complaint with Prejudice (Adv. Pro. No. 01-8810, Docket No 3)
- (i). [Proposed] Order Dismissing the Class Action Adversary Complaint with Prejudice (Adv. Pro. No. 01-8810, Docket No 4)
- (ii) Memorandum in Support of Debtors' Motion to Dismiss Class Action Adversary Complaint (Adv. Pro. No. 01-8810, Docket No 5)

**Status:** This matter is set for a status conference and awaiting information as to the status of the Motion, whether it will be heard and by whom.

**CONTESTED MATTERS**

11. *Defendant ExxonMobil's Motion for Summary Judgment (Adv. Pro. No. A-01-771, Docket No. 72)*

**Related Documents:**

- a. Memorandum of Law of Defendant ExxonMobile in Support of Motion for Summary Judgment (Adv. Pro. No. A-01-771, Docket No. 71)

- b. Declaration of Steven J. Adams In Support of Motion for Summary Judgment (Adv. Pro. No. A-01-771, Docket No. 73)
- c. Reply Memorandum of Law of ExxonMobile Corporation in Further Support of Motion for Summary Judgment (Adv. Pro. No. A-01-771, Docket No. 77)

**Responses Received:**

- a. Debtors' Opposition to ExxonMobil Corporation's Motion for Summary Judgment (Adv. Pro. No. A-01-771, Docket No. 75)

**Status:** This matter will go forward.

12. *Debtors' Motion to Modify the Preliminary Injunction* (Adv. Pro. No. A-01-771, Docket No. 36)

**Related Documents:**

- a. [Proposed] Order Granting Modified Preliminary Injunction (Adv. Pro. No. A-01-771, Docket No. 36)
- b. Debtors' Memorandum in Support of Their Motion to Modify the Preliminary Injunction (Adv. Pro. No. A-01-771, Docket No. 37)
- c. Certification of Counsel re: Docket No. 36 (Adv. Pro. No. A-01-771, Docket No. 81)
- d. Affidavit of Mark A. Shelnitz in Further Support of Order Granting Modified Preliminary Injunction with Respect to Locke v. Grace & Robert Bettacchi Matter (Adv. Pro. No. A-01-771, Docket No. 82)

**Response Deadline:** June 18, 2001 at 4:00 p.m.

**Responses Received:**

- a. Opposition of Robert H. Locke to Debtors' Motion to Modify Preliminary Injunction (Adv. Pro. No. A-01-771, Docket No. 43)
- b. Declaration of Rheba Rutkowski in Support of Robert H. Locke's Opposition to Debtors' Motion to Modify Preliminary Injunction (Adv. Pro. No. A-01-771, Docket No. 44)
- c. Answer of Robert H. Locke to Debtors' Amended Complaint (Adv. Pro. No. A-01-771, Docket No. 59)



**Status:** With the exception of the Locke opposition listed above, all of the other objections to the Motion have been resolved or adjudicated, and an order to such effect has been filed with the Court. The Debtors have filed an affidavit to address questions raised by the Court at the January 3, 2002 hearing in connection with the Locke opposition (see item “d” above). This matter will go forward.

13. *Plaintiff's Motion for Preliminary Injunction and Temporary Restraining Order* (Adv. Pro. No. 02-01657, Docket No. 4)

**Related Documents:**

- a. [Proposed] Order Granting Temporary Restraining Order (Adv. Pro. No. 02-01657, Docket No. 4)
- b. Memorandum of Law in Support of Plaintiff's Motion for Preliminary Injunction and Temporary Restraining Order (Adv. Pro. No. 02-01657, Docket No. 4)
- c. Verified Complaint for Declaratory Judgment and Injunctive Relief (W. R. Grace & Co. – Conn. against National Union Fire Insurance Company of Pittsburgh, PA) (Adv. Pro. No. 02-01657, Docket No. 1)
  - (i) Summons and Notice (Adv. Pro. No. 02-01657, Docket No. 2)
  - (ii) Affidavit of Jay Hughes (Adv. Pro. No. 02-01657, Docket No. 3)
- d. Request for Direction from Bankruptcy Court by National Union Fire Insurance Company of Pittsburgh, PA (Docket No. 1511)

**Responses Received:** None as of this Agenda Notice.

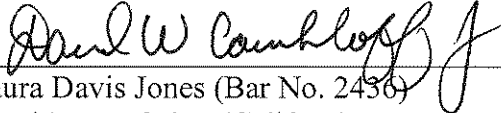
**Status:** This matter will go forward with respect to the Debtor's request for a temporary restraining order, and a hearing needs to be scheduled with respect to the Debtor's request for a preliminary injunction and declaratory judgment.

Dated: January 25, 2002

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